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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,293	05/17/2005	Cornelis Versluijs	NL 021209	5984
24737	7590	05/30/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			CARTER, WILLIAM JOSEPH	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/535,293

Applicant(s)

VERSLUIJS ET AL.

Examiner

William J. Carter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-9 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/17/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Lighting Unit with Optical Screening Cap."

Claim Objections

Claim 1 is objected to because of the following informalities:

In claim 1 "the light source" lacks antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Maassen et al. (EP 0 336 478 A1).

With respect to claim 1, Maassen teaches a lighting unit (Fig. 1) provided with a concave reflector (1) having an axis of symmetry (2) with a light emission window (4) bounded by an edge of the reflector (3) that is transverse to the axis (Fig. 1), an elongate body (22) arranged substantially axially on the axis of symmetry (Fig. 1) and

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accommodated in a holder (6) opposite the light emission window, an axially positioned cap (10) serving as an optical screening means which surrounds the light source at least partly so as to intercept unreflected light rays (Fig. 1), characterized in that the light source is surrounded by a sleeve (10 and 24) having an end facing light emission window, and the cap is positioned over the sleeve adjacent the end by means of a locking element (page 3, lines 32-33; a locking element can be anything that keeps it in place) provided at the sleeve (Fig. 1).

As for claim 2, Maassen teaches the cap (10) is provided with a screening ring (top edge of 10) which is impermeable to light and which extends transversely (Fig. 1) the axis of symmetry (2).

As for claim 6, Maassen teaches the reflector (1) and the light source are indetachably integrated into a lamp (Fig. 1).

As for claim 7, Maassen teaches the holder (6) is provided with a locking mechanism (mechanism that holds the light source and sleeve in the holder in Fig. 1) adjacent a connection to the light source (22) and the sleeve (10 and 24).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maassen in view of Scott et al. (2,277,563).

With respect to claims 4 and 5, Maassen teaches all of the claimed elements, as discussed above, except for explicitly teaching the sleeve is provided with an outer surface in which at least one recess is present into which a portion of the locking element grips by partly mating into the at least one recess and at the same time lies enclosed with another portion in a mating locking holder of the cap. Scott, also drawn to masked lighting, teaches a sleeve (19) provided with an outer surface in which at least one recess (18) is present into which a portion (16) of the locking element (16, 17, and 30) grips by partly mating into the at least one recess (Fig. 2) and at the same time lies enclosed with another portion in a mating locking (Fig. 3) holder of a cap (27). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the locking element of Scott in the light of Maassen, in order to support the light shield/cap (page 2, column 2, lines 64-67).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maassen in view of Zhao et al. (6,382,816).

With respect to claim 6, Maassen teaches all of the claimed elements, as discussed above, except for explicitly teaching the lamp is a metal halide lamp with a ceramic discharge vessel. Zhao, also drawn to lighting with reflectors, teaches a lamp is a metal halide lamp with a ceramic discharge vessel (column 7, lines 52-53). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use

the lamp of Zhao in the light of Maassen, in order to utilize a light source (column 7, lines 50-53).

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maassen in view of Ooms (5,506,464).

With respect to claim 9, Maassen teaches all of the claimed elements, as discussed above, except for explicitly teaching a ceramic lamp base which is connected to the assembly of the reflector and light source by means of cement, and in that the cement forms an interlocking fixture. Ooms, also drawn to reflecting light fixtures, teaches a ceramic lamp base (20) which is connected to an assembly of a reflector (1) and light source (10) by means of cement (29), and in that the cement forms an interlocking fixture (Fig. 1). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the lamp base and connection technique of Ooms in the light of Maassen, in order to fix the components of the light fixture together (Fig. 1).

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

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A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 2, 6, and 8 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 6, and 8 of copending Application No. 10/510,310 in view of Scott. Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending Application No. 10/535293 also teaches the metal halide lamp with a ceramic discharge vessel that is indetachably integrated with the reflector into a lamp, with the same orientation, and the same optical screen cap that is provided with the same edge/screening ring. A locking element is not explicitly cited in the claims, but Scott teaches a locking element (16, 17, and 30).). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the locking element of Scott in the light of the copending Application No. 10/510,310, in order to support the light shield/cap (page 2, column 2, lines 64-67).

This is a provisional obviousness-type double patenting rejection.

Allowable Subject Matter

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art does not teach or suggest a locking

element with a tag-shaped element that grips a ring edge with spring force radially, along with the limitations of the previously claimed subject matter.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Carter whose telephone number is (571)272-0959. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571)272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

wjc
05/23/06


ALI ALAVI
PRIMARY EXAMINER